

Applicant: MUELLER et al. Examiner: Unknown  
 Serial No.: 10/506,337 Group Art Unit: Unknown  
 Filed: September 1, 2004 Docket: 02316.1876USWO  
 Confirmation No.: 8834 Notice of Allow. Date: N/A  
 Due Date: June 15, 2005  
 Title: ACCESS GUARD FOR DISTRIBUTOR MODULES

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 April 25, 2005.

By: 

Name: Sarah Dannecker

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

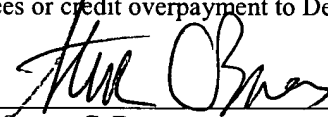
Commissioner:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notification of Missing Requirements
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Supplemental Information Disclosure Statement, Form 1449, 3 Reference(s), Copy of German Office Action
- ☒ Check(s) in the amount of \$130.00 for the Missing Requirements completion fee
- ☒ Other: Communication Regarding Missing Requirements
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
 P.O. Box 2903  
 Minneapolis, MN 55402-0903  
 612.332.5300

By:   
 Name: Steven C. Bruess  
 Reg. No.: 34,130  
 SCB/sbd

04/29/2005 GFREY1 00000093 10506337

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S/N 506,337

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MUELLER et al.	Examiner:	Unknown
Serial No.:	10/506,337	Group Art Unit:	Unknown
Filed:	September 1, 2004	Docket No.:	02316.1876USWO
Title:	ACCESS GUARD FOR DISTRIBUTOR MODULES		

CERTIFICATE UNDER 37 CFR 1.8:

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By: 

Name: Sarah Dannecker

COMMUNICATION REGARDING MISSING REQUIREMENTS

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In connection with the above-identified application, enclosed please find the originally signed Combined Declaration and Power of Attorney. Also enclosed is our check in the amount of \$130.00 to cover the Missing Requirements completion fee.

Respectfully submitted,



MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: April 25, 2005

By: 

Steven C. Bruess  
Reg. No. 34,130

SCB/sbd

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/506,337	FIRST NAMED APPLICANT Manfred Mueller	ATTY. DOCKET NO. 2316.1876USWOV
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INTERNATIONAL APPLICATION NO.

PCT/EP03/01787

I.A. FILING DATE

PRIORITY DATE

02/21/2003

Steven C Bruess  
Merchant & Gould  
P O Box 2903  
Minneapolis, MN 55402-0903

SCB

CONFIRMATION NO. 8834

371 FORMALITIES LETTER



\*OC000000015696064\*

MISS REQ 2: June 15, 2005 ✓ JM  
MISS REQ 3/PTA: July 15, 2005 ✓ JM  
MISS REQ STAT: Oct. 15, 2005 O ✓ JM

Date Mailed: 04/15/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/01/2004
- Copy of the International Search Report filed on 09/01/2004
- Copy of IPE Report filed on 09/01/2004
- Preliminary Amendments filed on 09/01/2004
- Information Disclosure Statements filed on 09/01/2004
- Oath or Declaration filed on 09/01/2004
- Request for Immediate Examination filed on 09/01/2004
- U.S. Basic National Fees filed on 09/01/2004
- Priority Documents filed on 09/01/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/506,337	PCT/EP03/01787	2316.1876USWO

FORM PCT/DO/EO/905 (371 Formalities Notice)